

DENNIS A. BARLOW, CITY ATTORNEY  
State Bar No. 63849  
CAROL A. HUMISTON, SR. ASST. CITY ATTY  
State Bar No. 115592  
275 East Olive Avenue  
P. O. Box 6459  
Burbank, CA 91510  
Tel: 818-238-5707 Fax: 818-238-5724

CITY ATTORNEY

2010 MAY 18 PM 5:51

CONFORMED COPY  
OF ORIGINAL FILED  
Los Angeles Superior Court

MAY 12 2010

John A. Clarke, Executive Officer/Clerk  
By Dorothy Swain, Deputy  
DOROTHY SWAIN

Kristin A. Pelletier, (SBN 155378)  
E-mail: [kpelletier@bwslaw.com](mailto:kpelletier@bwslaw.com)  
Robert J. Tyson (SBN 187311)  
E-mail: [rtyson@bwslaw.com](mailto:rtyson@bwslaw.com)  
BURKE, WILLIAMS & SORESENSEN, LLP  
444 South Flower Street, Suite 2400  
Los Angeles, CA 90071-2953  
Tel: 213.236.0600 Fax: 213.236.2700

Attorneys for Defendant  
City of Burbank

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

CHRISTOPHER LEE DUNN,

Plaintiff,

v.

BURBANK POLICE DEPARTMENT,  
CITY OF BURBANK, and DOES 1  
Through 100, Inclusive,

Defendants.

Case No. BC 417928

**DECLARATION OF DANIEL BAKER IN  
SUPPORT OF THE CITY OF BURBANK'S  
MOTION FOR SUMMARY JUDGMENT  
OR, IN THE ALTERNATIVE, SUMMARY  
ADJUDICATION**

Date: July 26, 2010  
Time: 8:30 a.m.  
Dept.: 31

I, Daniel Baker, declare as follows:

1. I am a Deputy District Attorney for the County of Los Angeles, a position I have held since October of 1994. I am currently the Assistant Head Deputy of the Major Fraud Division of the District Attorney's Office. In 2007, I was a Deputy District Attorney in the

LA #4850-7199-0022 v1

- 1 -

5/12

Justice System Integrity Division, a unit that investigates and prosecutes criminal misconduct by justice system officials. In the course of that assignment, I reviewed a criminal case against Burbank Police Detective Christopher Dunn. I have personal knowledge of the matters stated herein and, if called as a witness, I could and would competently testify thereto.

2. The criminal case against Christopher Dunn was investigated by Sergeant Victor Lewandowski of the Los Angeles County Sheriff's Department and presented to the District Attorney's Office for filing consideration. The allegation against Mr. Dunn was that he warned one of his informants of an impending narcotics investigation of her by the Culver City Police Department, which investigation was generated by information received from a second informant who had recently been arrested by the Culver City Police Department. I reviewed the investigation packet prepared by Sgt. Lewandowski and concluded that Mr. Dunn's conduct was very egregious and the case against him was strong. I was particularly concerned about the fact that Mr. Dunn did not advise the Culver City Police Department that he had warned his drug dealer informant, instead allowing the Culver City officers to attempt a controlled buy from her, which would have caused them to unknowingly walk into a situation with potentially deadly consequences for them.

3. While I believed that I would have been able to establish beyond a reasonable doubt that Mr. Dunn warned his informant of Culver City's investigation and violated the law [*Penal Code* § 148(a)(1)], I declined to file a criminal case against him because there were privileges that made one or both of the informants unavailable to testify as witnesses.

4. Because of Mr. Dunn's misconduct, pursuant to the case of *Brady v. Maryland* (1963) 373 U.S. 83, and its progeny, whenever Mr. Dunn is a material witness in a case on either the issue of guilt or punishment, the defense must be informed of the nature of Mr. Dunn's misconduct. Because his misconduct constitutes the obstruction of justice, a criminal act involving moral turpitude, Mr. Dunn's misconduct may be used to impeach his credibility.

LA #4850-7199-0022 v1

- 2 -

1 Consequently, Mr. Dunn's testimony is of no value in determining the truth of any matter he  
2 asserts in such testimony.

3  
4 I declare under penalty of perjury under the laws of the State of California that the  
5 foregoing is true and correct.

6 Executed this 11<sup>th</sup> day of May, 2010 at Los Angeles, California.

7  
8   
9 DANIEL BAKER

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

**DECLARATION OF DANIEL BAKER IN SUPPORT OF THE CITY OF BURBANK'S MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION (FILED UNDER SEAL)**

Solomon E. Gresen, Esq.  
Law Offices of Rheuban & Gresen  
15910 Ventura Boulevard, Suite 1610  
Encino, CA 91436

Executed on May 12, 2010, at Los Angeles, California.

### PROOF OF SERVICE